

Application No. 10/807,281
Submission Dated July 18, 2007
In Response to Office Action Dated January 18, 2007
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REMARKS/ARGUMENTS

The present remarks are in response to the final Office Action mailed on January 18, 2007. Claims 1, 3-9 and 11-41 are pending in the present patent application. Claims 4-9, and 11-41 have been withdrawn from prosecution at this time. Claims 2 and 10 have been cancelled. The Applicant intends to pursue these claims in a future, related application. Claims 1 and 3 remain for consideration and have been finally rejected.

The Applicant has combined claims 1 and 10. Claim 10 has been cancelled. No new matter was entered in making the above amendment.

3. Claims 1, 3 and 10 are rejected under 35 U.S.C. §103(a) as being obvious in light of U.S. Patent No. 6,009,623 to Orloff (hereinafter "the '623 patent") in view of U.S. Patent No. 6,494,882 to Lebouitz (hereinafter "the '882 patent")

In rejecting the above-identified claims, the Examiner stated:

Orloff discloses the invention substantially as claimed except for the non-piezoelectric sensor including at least one of an electromagnetic induction sensor, an ultrasonic sensor, a hall effect sensor, a capacitive sensor, a charge transfer sensor, an electric field sensor, a magnetostrictive sensor, and an angular rate sensor. Lebouitz discloses a non-piezoelectric sensor including at least one of an electromagnetic induction sensor, an ultrasonic sensor, a hall effect sensor, a capacitive sensor, a charge transfer sensor, an electric field sensor, a magnetostrictive sensor, and an angular rate sensor (e.g., 30) for use with a cutting instrument. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a non-piezoelectric sensor as taught by Lebouitz on the device of Orloff in order to allow measurement of parameters of a blade and/or the workpiece to aid in the quality of the shave.

(See the Office Action of July 18, 2007, page 2, ¶3).

The applicant respectfully disagrees with the Examiner. "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

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ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The applicant submits that it would not be obvious to combine the teachings of the '623 and the '882 patents to arrive at the present invention. In addition, "a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." MPEP 2141.02 (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

The applicant submits that the disclosure of the '882 patent teaches away from being combined with the teachings of the '623 patent to arrive at the invention recited in rejected claims. Amended claim 1 is the sole independent claim rejected and is reproduced below for convenience:

1. A razor system comprising:
 - a razor cartridge including at least one blade;
 - a handle attached to the razor cartridge; and
 - a non-piezoelectric sensor coupled to the razor system for generating a sensor signal indicative of parameters sensed during a shave;
 - wherein the non-piezoelectric sensor includes at least one of an electromagnetic induction sensor, an ultrasonic sensor, a hall effect sensor, a capacitive sensor, a charge transfer sensor, an electric field sensor, a magnetostrictive sensor and an angular rate sensor; and
 - wherein the non-piezoelectric sensor is disposed in the handle.

The '623 patent discloses using a piezoresistive or piezoelectric sensor in a razor cartridge or handle. The piezoelectric or a piezoresistive material produces an electrical signal or resistance change when it is strained. In an active feedback system, the signal is transferred from the cartridge to the razor handle where, for example, an electronically-active actuator extends or retracts as necessary to position the cartridge to produce a shave with a constant shave force. In a passive feedback system, the signal is transferred from the cartridge to the handle where, for example, an electronically-activated element, such as an indicator light, is activated to produce

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an indication to the user that he or she should reposition the razor to produce a constant shave force.

The '882 patent discloses a cutting instrument that includes a metal blade that has a recess formed therein and a semiconductor substrate affixed to the blade in the recess. The semiconductor substrate includes at least one sensor formed thereon. The sensor formed on the semiconductor substrate may comprise at least one or an array of a strain sensors, pressure sensors, nerve sensors, temperature sensors, density sensors, accelerometers, and gyroscopes. The cutting instrument may also further include a handle wherein the blade is affixed to the handle and the semiconductor substrate is electrically coupled to the handle. The handle may then be coupled, either physically or by wireless transmission, to a computer that is adapted to display information to a person using the cutting instrument based on signals generated by one or more of the sensors formed on the semiconductor substrate.

Notably, the '882 patent requires that the sensors be positioned on the blade of the cutting instrument. This is a necessary feature of the '882 patent because the disclosed device is a surgical scalpel. The blade of the surgical scalpel must be rigidly attached to the handle so that the surgeon can, with a great deal of precision, make the necessary cuts. The rigid connection between the blade and the handle limits the ability of designer to select a location for the sensor. For example, to move the sensors to the handle would effectively isolate them from the outside environment and forces they are intended to sense. In other words, moving the sensors of the '882 device from their disclosed position to a position in the handle would render them useless. Accordingly, the teachings of the '882 patent would lead one of skill in the art away from moving the sensors from the cutting edge to the handle and arriving at the invention of amended claim 1. Favorable reconsideration is requested.

Claim 3 depends from claim 1 and is, therefore, patentable over the '623 patent for at least the same reasons stated above in connection with claim 1, as well as by virtue of the

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additional claim recitations included therein. Favorable reconsideration of this claim is requested, as well.

Summary

In summary, applicants have traversed each rejection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

Please charge the three-month extension of time to Deposit Account No. 50-4112. No additional fees are believed to be due in connection with the present Amendment and Remarks. However, if it is determined that further fees are required, please charge them to Deposit Account No. 50-4112.

Respectfully submitted,

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